

JS-6

NOTE CHANGES MADE BY THE COURT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

R.S., a minor by and through his
Guardian Ad Litem STEPHANIE
SENTELL, and PAMELA AMICI,

Plaintiffs,

v.

CITY OF LONG BEACH, VICTOR
ORTIZ, JEFFREY SHURTLEFF, and
DOES 3-10, inclusive,

Defendants.

MARK ZERBY

Plaintiff,

v.

CITY OF LONG BEACH, et al.

Defendants.

Lead Case No.: SACV 11-00536-AG-RNBx
Consolidated Case No.: ~~3~~ CV11-06379-
AG(RNBx)

~~PROPOSED~~ JUDGMENT

These consolidated actions came for trial on March 19, 2013, in Courtroom 10D of the United States District Court, Central District of California, Southern Division, Honorable Andrew J. Guilford, presiding. Plaintiffs R.S., a minor by and through his Guardian ad litem Stephanie Sentell, and Pamela Amici were

1 represented by attorney Dale K. Galipo of The Law Offices of Dale K. Galipo, and
 2 Brian E. Claypool of The Claypool Law Firm. Plaintiff Mark Zerby was
 3 represented by Garo Mardirossian and Rowena J. Dizon of Mardirossian &
 4 Associates, Inc., and Thomas E. Beck of The Beck Law Firm. Defendants Victor
 5 Ortiz, Jeffrey Shurtleff, and the City of Long Beach were represented by Monte
 6 Machit of the Long Beach City Attorney's Office and Thomas J. Feeley of the Law
 7 Offices of Thomas J. Feeley.

8 A jury was regularly empanelled and sworn in. Witnesses were sworn and
 9 testified. After hearing the evidence and arguments of counsel, the jury was duly
 10 instructed by the Court and the case was submitted to the jury. By law, the City of
 11 Long Beach is vicariously liable under Plaintiffs' state law claims. The jury
 12 deliberated and thereafter returned into Court with its verdict as follows.

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 14 **QUESTION NO. 1**

15 Did any defendant violate decedent's Fourth Amendment rights by using
 16 excessive force?

17 Officer Shurtleff Yes X No

18 Officer Ortiz Yes X No

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 20 **QUESTION NO. 2**

21 Did either Defendant commit a battery against the decedent?

22 Officer Shurtleff Yes X No

23 Officer Ortiz Yes X No

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QUESTION NO. 3

Was either defendant negligent?

Officer Shurtleff

Yes X

No _____

Officer Ortiz

Yes X

No _____

QUESTION NO. 4

Was the negligence of any defendant a substantial factor in causing death to the decedent?

Officer Shurtleff

Yes X

No _____

Officer Ortiz

Yes X

No _____

QUESTION NO. 5

What are plaintiffs' damages?

Mark Zerby

\$ 2 million

Pamela Amici

\$ 1 million

River Sentell

\$ 3.5 million

QUESTION NO. 6

Was the decedent negligent?

Yes X

No _____

QUESTION NO. 7

Was the negligence of the decedent a substantial factor in causing his death?

Yes _____

No X

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QUESTION NO. 8

Assuming 100% is the total amount of negligence, what percentage is attributable to the defendants and the decedent?

Officer Shurtleff	_____ %
Officer Ortiz	_____ %
Douglas Zerby	_____ %
TOTAL	100%

QUESTION NO. 9

Did any defendant act with malice, opposition or reckless disregard of decedent's rights?

Officer Shurtleff	Yes <u>X</u>	No _____
Officer Ortiz	Yes <u>X</u>	No _____

NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED that final judgment in this action in entered as follows:

- Judgment in the sum of \$2,000,000.00 is entered against Defendants City of Long Beach, Victor Ortiz and Jeffrey Shurtleff in favor of Mark Zerby ~~plus attorney fees, costs, and interest~~
- Judgment in the sum of \$1,000,000.00 is entered against Defendants City of Long Beach, Victor Ortiz and Jeffrey Shurtleff in favor of Pamela Amici ~~plus attorney fees, costs and interest~~
- Judgment in the sum of \$3,500,000.00 is entered against Defendants City of Long Beach, Victor Ortiz and Jeffrey Shurtleff in favor of River Sentell ~~plus attorney fees, costs and interest~~

1 4. Plaintiffs may also recover costs and attorney's fees pursuant to 42
2 U.S.C. § 1988 and interest on the judgment as the prevailing party on
3 ~~all claims.~~ at trial

4 IT IS SO ORDERED

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6 DATED: July 19, 2013

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Hon. Andrew J. Guilford